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ELLEN M GRZELAK

Signature: Ellen M Grzelak

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appln. No. : **10/710,805**
Applicant : **Hagopian et al.**
Filed : **August 4, 2004**
For : **PROCESS FOR APPLYING A THIN-FILM
RADIATION-CURED COATING ON A
THREE DIMENSIONAL SUBSTRATE**
TC/A.U. : **1762**
Examiner : **Abramowitz, Howard E.**
Docket No. : **27475/06963**
Customer No. : **24024**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION UNDER 37 C.F.R. §1.132

I, David R. Hagopian, declare as follows:

1. I am a named inventor of the above-identified application. I have personal knowledge of the facts attested to in this Declaration. I received a Bachelor of Science Degree in Chemical Engineering from Northeastern University in 1984. In 1986, I received a Master of Business Administration from California Polytechnic State University. I am a member of the American Chemical Society, American Society of Safety Engineers, American Institute of Chemical Engineers, National Registry of Environmental Professionals, Institute of Hazardous Materials Management, and National Fire Protection Association. I am a Masters Level Certified Hazardous Materials Manager, Registered Environmental Manager and a Certified

Environmental Auditor. Since 1992 I have worked for Fortune Brands and its affiliates, including Master Brand Cabinets and Omega Cabinets, in the areas of product development and process development. In my work at Fortune Brands over the past fourteen years, I have gained a great deal of experience in the application of coatings to substrates, and products that have coatings applied to them, including cabinetry. My current title is Director, Technical Innovation.

2. I am familiar with the prosecution history of the above-identified application and in particular with the patents that have formed the basis for the examiner's rejection of the claims.

3. I am aware that the invention of the above-identified application relates to a method of applying a thin film of 100 percent solids material, which is .2 mils to 2 mils in thickness to a three-dimensional substrate. A "three-dimensional" substrate is a substrate that has tapered edges, grooves, corners or other contoured or recessed areas. An example of a three-dimensional substrate is a cabinet door such as shown in Figure 1 of the above-referenced application. As can be seen in Figure 1, the cabinet door has grooves and a contoured or beveled edge in its surface. These surface features qualify the cabinet door as a "three-dimensional substrate" (as commonly understood in the coatings industry).

4. In contrast, a two-dimensional substrate as commonly understood in the coatings industry is a flat sheet of any material that does not have any contours, grooves or bevels in its surface. One way of viewing the difference between the terms "three-dimensional substrate" and "two-dimensional substrate" as commonly understood in the coatings industry is as follows:

- a. A three-dimensional substrate is one in which the distance between the surface of the substrate and the coating application device varies over the substrate when the coating is applied; and
- b. A two-dimensional substrate is one in which the distance between the surface of the substrate and the coating application device is substantially constant when the coating is applied.

A flat board used for flooring is a typical two-dimensional substrate as commonly understood in the coatings industry.

5. U.S. Patent No. 6,746,535 recognizes the commonly understood meanings and differences between the meanings of "two-dimensional substrate" and "three-dimensional substrate" as used in the coatings industry. See column 1, lines 60-63 where this patent states, "Roll coating processes can be used, but roll coating is limited to flat articles and cannot be used with three-dimensional articles such as contoured cabinet doors." This statement recognizes that flat articles are not three-dimensional articles.

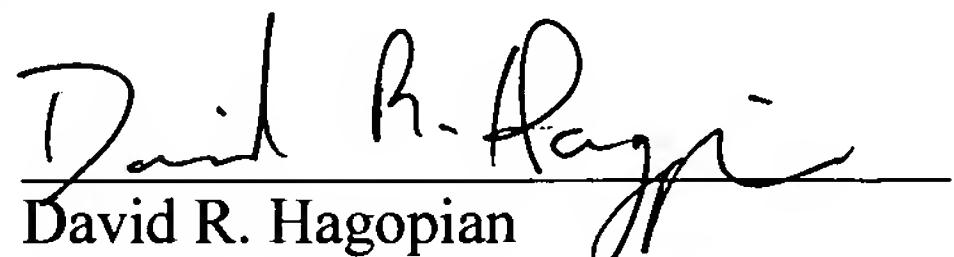
6. I am familiar with U.S. Patent No. 6,231,431 issued to Blazey et al. This patent does not disclose use of a 100% solids coating with a three-dimensional substrate. This patent refers to coating a panel or slat for a roll-up, truck door, which is a flat, two-dimensional substrate.

7. In the coatings industry, 2 mils would definitely not be understood to fall within the range of about 3 mils. 3 mils is 50% more than 2 mils. 2 mils is not about "3 mils."

8. Prior to our invention, it was not possible to apply a 100% solids coating to a three-dimensional substrate of between .2 to 2 mils thick and have the coating on the resulting product be uniform and flow evenly into the recesses and contours of the three-dimensional substrate.

I hereby declare that all statements made herein of my personal knowledge are true and that all statements made herein on information and belief are believed to be true with the understanding that willful, false statements and the like so made are punishable by fine, imprisonment or both under 18 USC §1001 and that such willful false statements may jeopardize the validity of this application or any patent issuing thereon.

Dated: April 6, 2006



David R. Hagopian